

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEFFCOAT ENTERPRISES, INC.,)	
)	
Movant,)	
)	
v.)	
)	Case No. 4:20-mc-00112-AGF
)	
CHARTER COMMUNICATIONS, INC.,)	
)	
Respondent.)	
)	

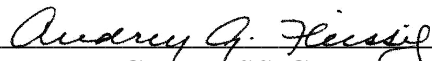
MEMORANDUM AND ORDER

This matter comes before the Court on Movant’s Motion to Compel Pursuant to a Rule 45 Subpoena and for Court Authorization Pursuant to the Cable Communications Act, 47 U.S.C. § 551(c)(2)(b) (the “Cable Act”). (Doc. No. 1). Movant seeks to have this Court order Charter Communications, Inc. (“Charter”), a non-party to an underlying lawsuit in the Northern District of Alabama, to produce subscriber information associated with an Alabama telephone number, as well as a record of inbound and outbound calls from Defendants’ business lines. Movant has attached as an exhibit to its motion a letter from Charter wherein it acknowledged receipt of a subpoena for this information from the District Court of the Northern District of Alabama and informed Movant that, under the Cable Act, it could not provide subscriber information to a third party without a court order authorizing the disclosure. (Doc. No. 1-3). Movant filed this motion to acquire that authorization.

Federal Rule of Civil Procedure 45 provides that, on notice to the subpoenaed party, “the serving party may move the court for the district where compliance is required for an order compelling production or inspection.” FED. R. CIV. P. 45(d)(2)(B)(i). However, the record does not reflect that Movant has provided Charter with notice of its motion. Further, the record does not reflect that Charter has been served with a copy of the motion; the certificate of service indicates that Movant has provided service to the Defendants in the underlying action but does not indicate that it has provided service to Charter. (*See* Doc. No. 1 at 6). The Court recognizes that counsel for Charter has not yet entered the case to respond to Movant’s motion.

Accordingly,

IT IS HEARBY ORDERED that Movant Jeffcoat Enterprises, Inc., shall provide proof of proper service as to Respondent Charter within **two weeks (14 days)** of this Order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 16th day of March, 2020.